
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In Re:)	Case No.: 20-09194
Frank Garcia Jr)	
Kathy H Garcia)	Chapter 13
)	
Debtor(s).)	Judge Jack B. Schmetterer

NOTICE OF MOTION

TO: Frank Garcia Jr and Kathy H Garcia, 226 Whitewood Dr., Streamwood, IL 60107 *via US mail*

Tom Vaughn, 55 E. Monroe, Suite 3850, Chicago, IL 60603 *via ECF clerk's electronic delivery system*

U.S. Trustee, 219 S. Dearborn Suite 873, Chicago, IL 60604 *via ECF clerk's electronic delivery system*

See attached service list

PLEASE TAKE NOTICE that on **April 29, 2020 at 10:00 AM** I shall appear before the Honorable Jack B. Schmetterer at the Dirksen Federal Court, 219 S. Dearborn, Courtroom 682, Chicago, Illinois, 60604 or any judge presiding and then and there present the **Motion**, a copy of which is attached hereto.

If any party objects to the attached Motion, they must file a Notice of Objection no later than two (2) business days before the presentment date. If an Objection is timely filed, the Motion will be called and a hearing on the Motion will be held before the Court on the date of presentment. If a Notice of Objection is not timely filed, the Court may grant the Motion without a hearing before the date of presentment.

By: /s/ David H. Cutler
David H. Cutler
Counsel for Debtor(s)
Cutler & Associates, Ltd.
4131 Main St,
Skokie, IL 60076
Phone: (847) 673-8600

CERTIFICATE OF SERVICE

I, David H. Cutler, hereby certify that I caused to be served, electronically or through U.S. Mail, a copy of the foregoing Notice and Motion upon the parties named above on April 22, 2020 before the hour of 7:00 p.m.

By: /s/ David H. Cutler
David H. Cutler, esq.,

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In Re:)	Case No.: 20-09194
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Kathy H Garcia)	Chapter 13
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MOTION TO EXTEND STAY

NOW COME the Debtors, Frank Garcia Jr, and Kathy H Garcia, by and through their attorneys, the law office of CUTLER & ASSOCIATES, LTD., and in support of their Motion, states as follows:

- 1) The Court has jurisdiction over the proceeding pursuant to 28 USC 1334 and this is a “core proceeding” under 28 USC 157(b)(2).
- 2) The Debtors filed for relief under Chapter 13 of the United States Bankruptcy Code on April 12, 2020.
- 3) The Debtors proposed a plan that will repay 10% to their general unsecured creditors with a payment of \$1,176.00 for 60 months.
- 4) The Debtors had a prior Chapter 13 case, that was dismissed on January 22, 2020 Case No: 18-29161, within a year of filing, due to the Trustee’s motion to dismiss for failure to make plan payments.
- 5) In the prior case, Joint Debtor, Kathy H Garcia, had underwent surgery in January 2020 and she was off work without pay for 6 weeks while she was recovering and in physical therapy thus causing a decrease in their household income and the Debtors were unable to come current on the default.

- 6) In the prior case, Joint Debtor, Kathy H Garcia, incurred out of pocket medical expenses associated with her surgery and she incurred dental expenses.
- 7) In the prior case, Debtors also incurred out of pocket expenses for vehicle repairs.
- 8) In the instant case, Debtor, Frank Garcia Jr., is working full-time at FedEx and part-time at UPS, his income is steady, he will be going on payroll control at FedEx and additionally, Debtor's sister has moved into their home and she is contributing \$650 per month.
- 9) In the instant case, Debtors have had a positive change in circumstances, their household income has increased, they will be on payroll control and they will be able to afford to make monthly Trustee payments in a feasible Chapter 13 Plan.
- 10) Debtors have provided this Honorable Court with an affidavit of change and income and expense schedules, see attached Affidavit and schedules I and J from their previous Chapter 13 bankruptcy case, and the schedules I and J from their current Chapter 13 bankruptcy case. See Affidavit and Exhibits A and B respectively.

WHEREFORE, the Debtors pray that the Honorable Court enter an Order Extending the Automatic Stay, and for such further relief that the Honorable Court may deem just and proper.

Dated: 4/22/2020

Respectfully Submitted,

By: /s/ David H. Cutler
David H. Cutler, esq.,
Counsel for Debtor(s)
Cutler & Associates, Ltd.
4131 Main St,
Skokie, IL 60076
Phone: (847) 673-8600